

United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,217	12/01/2003	Vincent Paul Schaaf	15838.1	2114
75	90 11/18/2005		EXAM	INER
FRASER D. R WORKMAN N			FETSUGA, I	ROBERT M
1000 Eagle Gate		·	ART UNIT	PAPER NUMBER
60 East South T			3751	
Salt Lake City, UT 84111			DATE MAILED: 11/18/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

1) ⊠ Responsive to communication(s) filed on 01 December 2003. 2a) ☐ This action is FINAL. 2b) ⊠ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration. 5) ☐ Claim(s)				
Examiner Robust M. Felsuge 3751 The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 31 CFR 1.198(s). In no event, however, may a rary by the timely filled of the SM (8) MONTHS from the mailing date of this communication. Failure in reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (30 U.S.C. § 133). Any reply received by the Office test than there mailing date of this communication. Failure in reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (30 U.S.C. § 133). Any reply received by the Office test than there mailing date of this communication, even if simply filled, may reduce any search patent term adjustment. Set 37 CFR 1.794(b). Status 1) □ Responsive to communication(s) filed on O1 December 2003. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-12 is/are rejected. 7) □ Claim(s) 1-12 is/are rejected. 10 □ The osth or declaration is objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be told in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to solve the priority documents have been received in Applica			Application No.	Applicant(s)
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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Editations of the many be available under the provision of 37 CFR 11360, his no event, however, may a reply be timely field with a control of the communication of 37 CFR 11360, his no event, however, may a reply be timely field with a control of the communication of 37 CFR 11360, his no event however, may a reply be timely field with a control of 37 CFR 13760, his no event however, may a reply be timely field with a control of 37 CFR 13760, his no event of the communication. Failurs to reply within the set or excented period for reply will, by station, cause the application become ABANDONED 36 U.S.C. § 1333. Any reply received by the Office liter than there months after the mailing date of this communication, even if smely filed, may reduce any seamed planet manifestion in the mailure of the communication of the control of the		Office Action Summary	Examiner	Art Unit
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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a waste collecting system, classified in class 4, subclass 464.
- II. Claims 13-20, drawn to a method for collecting waste, classified in class 44, subclass 589.

The inventions are distinct, each from the other because:

Inventions I and II are related as product and process of
use. The inventions can be shown to be distinct if either or
both of the following can be shown: (1) the process for using
the product as claimed can be practiced with another materially
different product or (2) the product as claimed can be used in a
materially different process of using that product (MPEP
§ 806.05(h)). In the instant case the process of claim 13 does
not require a transport network as recited in claims 1 and 9.

During a telephone conversation with Fraser D. Roy on October 26, 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

2. The drawings are objected to because in Fig. 1 reference numeral "16" (left occurrence) apparently should be --22-- (par. 031 ln. 2), in Fig. 7 the leader for reference numeral "60" apparently is misdirected (par. 049 ln. 5), in Figs. 7 and 8 reference numeral "52" apparently should be --154-- (par. 046 ln. 8), in Fig. 10 reference numeral "202" (par. 054 ln. 2) is missing, in Fig. 13 reference numeral "282" apparently should be --242-- (par. 065 ln. 3), and reference numeral "192" (par. 052 ln. 5) is missing.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter set forth in claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

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replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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- 3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the "structure" and "electromechanical cart" set forth in claims 1 and 9, "carrier" set forth in claims 3 and 5, subject matter set forth in claim 6, "transport members" set forth in claim 10, and "mechanism" (both occurrences) set forth in claim 12, could not be found in the specification. Applicant is reminded claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).
- 4. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "said cart automatically packaging said bio-waste material". Claim 9 recites similar subject matter.

Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

5. Claims 5 and 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 5 recites "said cart automatically compacts said biowaste material and seals said bio-waste material within a carrier." Claim 12 recites similar subject matter.

Implementation of this subject matter is neither taught in the

instant disclosure nor evident to the examiner.

6. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "said cart moves said packaged bio-waste material along said at least one generally horizontal member and

deposits said packaged bio-waste material down said at least one generally vertical member." Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

7. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "another cart receives said packaged biowaste material". Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

8. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites a plurality of carts that "automatically deliver said packaged bio-waste material to said at least one storage receptacle." Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

9. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "said transport network comprises at least one of a shaft, a tunnel, a channel, a tube, a track, and an electronic track." Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

10. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites "a mechanism that aids in moving said cart through said transport network." Implementation of this subject matter is neither taught in the instant disclosure nor evident to the examiner.

11. The examiner is unable to determine the substance of the "automatically packaging" feature associated with the cart(s) which prevents an application of prior art to the claims.

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However, the prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Devine et al. reference discloses packaged waste in a collection receptacle/cart C which is transported to a storage receptacle (col. 10 ln. 2).

The Jaronko et al. reference discloses waste in an electromechanical collection receptacle/cart (col. 4 lns. 21-25) which is transported to a storage area (col. 4 lns. 47-49).

The Behrens reference discloses treating toilet waste (pg. 1 lns. 89-91) and collecting the waste in a collection receptacle/cart L.

The Baird reference discloses treating toilet waste (pg. 1 par. 2).

- 12. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.
- 13. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday. The Office central fax number is 571/273-8300.

Robert M. Fetsuga Primary Examiner Art Unit 3751 Page 8